

CV 10 3726

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

ANGELA LEONE

(S.I.)

★ AUG 13 2010 ★

Plaintiff,

-against-

LONG ISLAND OFFICE
COMPLAINT

FMA ALLIANCE, LTD.

FEUERSTEIN, S.

Defendant.

LINDSAY, M.

Plaintiff, by and through her attorney, Adam J. Fishbein, as and for her complaint alleges
as follows:

INTRODUCTION

0.1 This is an action for damages brought by an individual consumer for defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA") which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

PARTIES

0.2 Plaintiff is a natural person residing in Nassau County, New York.

0.3 Upon information and belief, defendant FMA Alliance, Ltd. is Texas corporation with its principal location in Houston, Texas. Defendant is a debt collector within the meaning of the FDCPA.

JURISDICTION

0.4 This Court has jurisdiction pursuant to 15 U.S.C. § 1692k (FDCPA) and 28 U.S.C. § 1331.

AS AND FOR A FIRST CAUSE OF ACTION

1.1 Plaintiff realleges paragraphs 0.1 through 0.4 as if fully restated herein.

1.2 That a personal debt was allegedly incurred by the plaintiff.

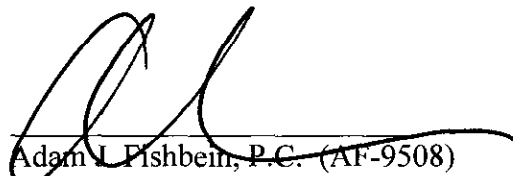
1.3 That at a time unknown to the plaintiff herein, the aforementioned debt was referred to defendant for collection.

- 1.4 In or about August, 2009 the plaintiff answered the telephone.
- 1.5 The caller identified himself as Cory Katz and was calling from FMA Alliance.
- 1.6 Katz asked the plaintiff where is George.
- 1.7 The plaintiff responded that he was out.
- 1.8 Katz asked the plaintiff who she is.
- 1.9 The plaintiff responded she was a friend of George.
- 1.10 Katz asked the plaintiff if the plaintiff is George's wife.
- 1.11 The plaintiff responded no.
- 1.12 Katz said to have George call him.
- 1.13 The plaintiff said she was not George's secretary and Katz could call him directly.
- 1.14 Katz then asked the plaintiff why she way lying.
- 1.15 Katz stated that the plaintiff is Mrs. Fahme.
- 1.16 Katz asked the plaintiff was she was misrepresenting herself.
- 1.17 Then Katz proceeded to hang up the telephone.
- 1.18 Katz intended to and did harass the plaintiff.
- 1.19 Katz' collection tactics are considered unfair practices.
- 1.20 Plaintiff suffered emotional distress damages from the defendant's harassing conduct.
- 1.21 Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:
- (a) The defendant violated 15 U.S.C. § 1692d by engaging in conduct in connection with the collection of a debt, the natural consequence of which harassed, oppressed the plaintiff.
- (b) The defendant violated 15 U.S.C. § 1692f by engaging in unfair practices.
- 1.22 As a result of the above violations of the FDCPA, defendant is liable to the plaintiff for the sum of plaintiff's statutory and actual damages to be determined at trial, plus costs and attorney's fees.

WHEREFORE, plaintiff respectfully prays that judgment be entered against defendant in the amount of:

- (a) Statutory and actual damages pursuant to 15 U.S.C. § 1692k in an amount to be determined at the time of trial.
- (b) Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k.
- (c) For such other and further relief as may be just and proper.

Dated: Cedarhurst, New York
August 11, 2010



Adam J. Fishbein, P.C. (AF-9508)

Attorney At Law

Attorney for the Plaintiff

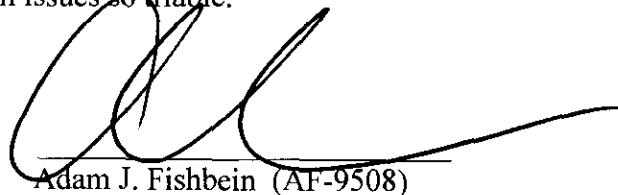
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Plaintiff requests trial by jury on all issues so triable.



Adam J. Fishbein (AF-9508)